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COMMISSION ON HUMAN RIGHTS

Forty-ninth session

SUMMARY RECORD OF THE 17th MEETING
(FIRST PART)*

Held at the Palais des Nations, Geneva,
on Thursday, 11 February 1993, at 3 p.m.

Chairman: Mr. ENNACEUR (Tunisia)

later: Mr. FLINTERMAN (Netherlands)

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* The summary record of the second part of the meeting appears as document E/CN.4/1993/SR.17/Add.1.

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1. Mr. MBURU (Kenya) said he regretted that the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1993/14), had once again been denied access to South Africa. Nevertheless, its report contained a well-documented and disturbing catalogue of human rights violations, indicating clearly that all was not well for the majority black population in that country.

2. Although the so-called legislative pillars of apartheid had been abolished, their consequences still pervaded the educational and legal systems and the trade union movement, since a system as deeply entrenched as apartheid could obviously not be eradicated overnight. His delegation was convinced, however, that the South African authorities could have done more to achieve that aim. It was also disturbed at the reported complicity of some government organs in acts of violence, which not only resulted in the loss of many lives but also undermined the democratic process to which the South African Government had committed itself. Those practices must be stopped and those responsible held fully accountable. In that regard, his delegation fully endorsed the conclusions and recommendations of the Ad Hoc Working Group and hoped that the South African authorities would take heed of them.

3. He welcomed the positive changes instituted by President De Klerk's Government and hoped that the historic democratic process would be pursued in a spirit of dialogue and goodwill by all parties concerned in order to establish a non-racial and truly democratic South Africa. Nevertheless, the restitution of political rights to the black majority would not in itself produce a lasting political settlement, since ways and means must also be found to redress the economic and social inequalities between the black and white communities, so that the black majority people of South Africa could play their rightful role in the economic and social spheres.

4. Mr. HELLER (Mexico) said that his Government rejected all institutionalized discrimination and all restrictions based on racial grounds and was committed to combating apartheid and all other forms of racial

discrimination. In compliance with the provisions of the International Convention on the Suppression and Punishment of the Crime of Apartheid, Mexico had recently submitted its third periodic report.

5. His delegation had supported the General Assembly resolutions calling on the international community to give full backing to the process under way in South Africa and to examine, in the light of the progress made in dismantling key apartheid legislation and moving towards agreement on a new non-racial and democratic constitution, the restrictive measures in force and to respond appropriately to any developments. His Government had accordingly decided to show increased flexibility and, in June 1992, had authorized trade in certain goods and services with South Africa as well as agreeing to its participation in cultural and sporting events. Nevertheless, his delegation had also supported the General Assembly resolutions concerning the need to maintain certain restrictive measures in the financial, nuclear and military fields, including the arms and oil embargoes, until agreement had been reached on a democratic and non-racial constitution. His Government was complying with those resolutions and with Security Council resolutions 181 (1963) and 182 (1963).

6. Although a number of laws considered to be pillars of apartheid had been repealed, certain discriminatory provisions still remained in force, particularly with regard to land reform, the exclusion of the black population from residential areas and the legal status of the Bantustans. The report of the Ad Hoc Working Group (E/CN.4/1993/14) also mentioned violence sponsored by the security forces, operations to incite inter-ethnic conflicts and various other human rights violations.

7. At the last two sessions of the Commission his delegation had expressed concern at the resurgence of racist violence and xenophobia in the world. Its fears had, most regrettably, been confirmed by the re-emergence of the worst forms of nationalism, inter-ethnic conflicts and racism, as illustrated by the report of the Secretary-General on measures to combat racism and racial discrimination (E/CN.4/Sub.2/1992/11). On the threshold of the twenty-first century, new racist ideologies were unacceptable, as were ethnic and cultural discrimination. Equally intolerable were attacks on unauthorized immigrants, migrant workers and minorities of any kind. It was disturbing that such actions were occurring despite the wealth of international legal instruments on the subject.

8. He disagreed, however, with the view expressed in the report that the spread of racism and intolerance could be ascribed to political organizations and small independent groups with Fascist and neo-Nazi tendencies. The basic fact was that such groups had created a new social climate of mistrust and uncertainty which was reawakening the ghosts of the past. It was also deplorable that extreme right-wing political parties should be able to promote intolerance with impunity, under the cloak of democratic institutions. Nevertheless, he welcomed the growing mobilization against racism in some countries and the willingness shown by certain Governments to adopt firm measures against it.

9. The rise of racism and xenophobia meant that the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination was particularly

important, as was the need to proclaim a third decade. The Commission should take firm action commensurate with the scale of the problem. His delegation would thus actively support all appropriate initiatives, including the appointment of a thematic rapporteur on contemporary forms of racism, racial discrimination and xenophobia, on the basis of the resolution adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

10. Mr. QUAUNINE (Bangladesh) said that, despite the increased opportunities for international cooperation in the field of human rights created by the recent political changes, a number of disquieting trends had emerged, particularly the ominous rise of the extreme right and virulent nationalism. The world had entered new and unchartered terrain where human rights must be respected in order to avoid chaos.

11. While supporting the recommendations contained in the final report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1993/14), his delegation felt that the Commission could not ignore the escalating violence in South Africa which had led to a deterioration in the social and political climate and a halt to the constitutional negotiations. Many of the changes introduced had been cosmetic and there was a continuing lack of confidence in the legal system, which was perceived to be an instrument used to perpetuate apartheid. No progress had been made with the crucial non-racial land reforms and the incarceration of children and minors, deaths in police custody, unabated violence in the townships, and the complicity of the security forces in acts of violence were inhibiting the constitutional negotiations and did not facilitate the active participation of all the parties concerned.

12. His delegation had consistently advocated the total elimination of the repugnant system of apartheid. A third decade to combat racism and racial discrimination was needed not only to monitor the transition to a non-racist society in South Africa but also to take account of the rabid manifestations of racism, racial discrimination and xenophobia elsewhere in the world. His delegation, which commended the updated report of Mr. Khalifa, the Special Rapporteur (E/CN.4/Sub.2/1992/12 and Add.1), felt that the glacial pace of change in South Africa did not justify the lifting of sanctions until an interim Government had been elected and apartheid completely dismantled.

13. Mr. CHAKRAVARTI (India) said that, although several key elements of apartheid legislation had been repealed, the aspirations of the South African people could be met only through a process leading towards the establishment of a democratic, non-racial and unified South Africa, a process that required a climate conducive to negotiations, rather than one of bitter violence. The negotiations initiated by the Convention for a Democratic South Africa (CODESA), had been halted by renewed outbreaks of violence, showing how fragile the process was and how vital it was to end the violence. In that connection, his delegation welcomed the meeting between Nelson Mandela and President De Klerk on 26 September 1992 which would provide guidelines for the establishment of a democratic constituent assembly, transitional arrangements for a democratic government and the release of all political prisoners.

14. Steps must also be taken to address the serious socio-economic imbalances generated over the years by apartheid, so as to improve the living conditions of the disadvantaged sectors of the population, notably through efforts to

tackle the critical level of unemployment. Those imbalances and negative attitudes towards change also hampered the process of the transition to democracy.

15. His delegation welcomed the fact that the South African authorities had expressed readiness to open a dialogue with the United Nations and acknowledged its catalytic role in the transformation of their country. It was to be hoped that the presence of the United Nations observers (UNOMSA), as advocated by the report of the Ad Hoc Working Group (E/CN.4/1993/14) would assist the full resumption of constitutional negotiations that would take account of the views of the majority of the South African people.

16. His delegation welcomed the recommendation of the Economic and Social Council that a third decade to combat racism and racial discrimination should be proclaimed, since that would help counter the new and virulent forms of racism and xenophobia emerging in various parts of the world. It was also concerned that, while apartheid was on the retreat in South Africa, Fiji had quietly institutionalized racism and racial discrimination in its Constitution. It hoped that the Fijian Government would eschew such discrimination and return to democratic governance. In that context he noted the assurances given by the Prime Minister of Fiji to the United Nations that the Constitution would be revised to remove its racist features.

17. Mr. PARK (Republic of Korea) said it was disappointing that positive developments in South Africa had been overshadowed by continued reports of human rights violations, including violations of the right to life, as documented in the report of the Ad Hoc Working Group (E/CN.4/1993/14). The timely intervention of the Security Council, through resolution 765 (1992) and 772 (1992), together with the efforts of the Secretary-General, had helped prevent further escalation of the violence and it was to be hoped that those incidents would not jeopardize the democratization process.

18. The socio-economic imbalances deeply rooted in South African society following decades of apartheid could also threaten development in the transition period and beyond and it was important that both the international community and the South African Government should seek to correct those inequalities, particularly in the field of human resources development, employment and housing.

19. At its previous session, the Commission had welcomed the international consensus on lifting restrictions on person-to-person contacts and cultural and scientific links with South Africa, and his Government had consequently applied a phased lifting of sanctions in accordance with the progress made towards a non-racial, democratic South Africa. It had also established diplomatic relations with the South African Government on 1 December 1992. That did not indicate any weakening of his Government's anti-apartheid policy and it was seeking to strengthen its ties with political parties and organizations representing the black majority.

20. In accordance with Commission resolution 1992/20, appealing to the international community to render all possible assistance to the front-line and neighbouring States, his Government had contributed grants in cash and in kind to a number of the States concerned. It had also strengthened its

anti-apartheid policies through enhanced involvement in the efforts of the international community, notably through contributions to several United Nations programmes.

21. Mr. MOTTAGHI-NEJAD (Islamic Republic of Iran) said that, despite the positive developments in South Africa since Mr. De Klerk had become President, the black majority was still effectively disfranchised, the Constitution had not been amended, the educational system was still tainted by apartheid, and brutality by the security forces against the black majority still continued. The prime responsibility for protecting the lives of the people lay with the security forces yet, as the report of the Ad Hoc Working Group of Experts (E/CN.4/1993/14) made clear, having been trained to implement apartheid policies, the police were either unable or unwilling to intervene impartially and effectively to protect the lives and property of the black population.

22. His delegation therefore believed that the time was not yet ripe to lift the international economic sanctions against South Africa and that the international community should monitor developments closely and maintain its pressure. Sanctions should be lifted only when there were genuine grounds for believing that racism and racial discrimination were no longer practised in the country.

23. His delegation expressed its most sincere appreciation to the Ad Hoc Working Group of Experts for its tireless efforts to present a picture of the situation prevailing in South Africa and regretted that the Government of South Africa had so far not allowed it to visit the country. His Government and people stood shoulder to shoulder with the people of South Africa in their struggle against the abominable system of apartheid and would continue to support South Africans vigorously in their efforts to achieve that goal.

24. Mrs. SILVERA NUÑEZ (Cuba) said that, despite recent news indicating a rapprochement between the Government and the opposition democratic forces, her delegation could not ignore the irrational violence that had hitherto prevailed in South Africa and which had been organized and manipulated by the security forces of the South African regime with the participation of various criminal groups. Agents of the South African Government had been involved in the training, financing and deployment of terrorist groups in the country, including mercenary elements forming an international criminal battalion. Those elements were still helping the counter-revolutionary forces in the region with a view to destabilizing democratically elected Governments, such as the Angolan Government.

25. In that context, reference should also be made to the sinister activities of the death squads and ultra-right South African groups that were linked to South Africa's police forces. There was serious concern about the complicity of other sectors of the South African Government in criminal acts committed by the security forces and about the extent of the control exerted by President De Klerk. In any case, he and his Government had an obligation to deal with the problems caused by the security forces and with the deteriorating situation as well as to adopt additional measures to ensure the elimination of all the apartheid legislation that still existed. The action taken so far to dismantle the apartheid system was not sufficient to establish a genuine democracy in South Africa. Profound changes were also necessary to

put an end to economic discrimination, which was increasing with every passing day and had extremely negative effects on the well-being of South Africans, in particular the black majority.

26. His Government therefore reaffirmed its position in favour of the total eradication of the apartheid system. It had no relations whatsoever with the Government of South Africa. It condemned the policy of Bantustanization and the war which certain governmental sectors continued to wage against neighbouring countries. A Government of national unity must be established in South Africa as soon as possible and an assembly elected to draft a new constitution that would lead to a non-racial and democratic society. For its part, the international community should exert pressure to persuade the South African Government to adopt urgent measures for the abolition of the remaining apartheid structures, including those related to the activities of the South African security forces.

27. The final report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1993/14), revealed the persistent violations of human rights by the racist authorities and the Commission should renew the Working Group's mandate. The report of the Special Rapporteur on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa (E/CN.4/Sub.2/1992/12) was also a valuable contribution to the work of the Commission. Mr. Khalifa had done valuable work as Special Rapporteur over the years, and had made it possible to condemn the political, military, economic and other forms of assistance given to the South African regime by some Western Governments.

28. Cuba had participated actively in the Second Decade to Combat Racism and Racial Discrimination and had supported the relevant Programme of Action that had been adopted. Her Government regretted that it had not been possible to carry out some of the programmed activities and strongly supported the declaration of a third decade beginning in 1993. In that connection, the Commission should pay particular attention to the resurgence of racist, xenophobic, discriminatory, intolerant, chauvinist and neo-Fascist attitudes and practices in various parts of the world, particularly Europe. Her delegation thus firmly supported the appointment of a thematic special rapporteur on contemporary forms of racism, racial discrimination and xenophobia.

29. United States society was also experiencing a resurgence of discriminatory practices in all its forms. The "dream" for which Martin Luther King had died was no more than a hope for the black, indigenous and Latin American minorities, who suffered greatly from discrimination. There was a clear relationship between the arrogant and interventionist policy pursued by the United States against the countries of the South and its defence in the Security Council of the discriminatory practices of the racist South Africans and Israeli Zionists.

30. Mr. SENE (Observer for Senegal) said that, although the Ad Hoc Working Group of Experts on southern Africa had been unable to visit South Africa to evaluate the impact of legislative reforms and negotiations on a new constitutional order, it had been able to obtain information from reliable

sources. Its report (E/CN.4/1993/14) thus contained a great deal of information on deaths in police custody, the administration of justice, political trials, capital punishment and executions, returnees, the right to property and housing for the black population, freedom of expression, and so forth. The report also clearly showed that considerable agreement had been reached concerning the total abolition of apartheid and its replacement by a non-racial constitutional order in a democratic and united South Africa.

31. His delegation regretted the interruption of the constitutional negotiations and considered that all the parties should be assisted to tackle the decisive phase of the negotiations by preparing a climate favourable to free political activity. To that end, the media and the security forces should be placed under the supervision of the parties concerned. The parties should also set up an independent electoral commission to prepare the elections, release political prisoners, and authorize exiles to return in complete safety.

32. He noted that, pursuant to Security Council resolution 772 (1992), the Secretary-General had sent to South Africa 30 United Nations observers (UNOMSA) to take effective action on the problems encountered, particularly the increase in violence, in cooperation with the machinery set up under the National Peace Accord and that the South African Government had agreed to welcome the observers from the United Nations, the European Community, the Organization of African Unity and many intergovernmental and non-governmental organizations. The time had obviously come for the United Nations to take vigorous action to accelerate the irreversible process of dismantling apartheid.

33. The updated report by the Special Rapporteur (E/CN.4/Sub.2/1992/12 and Add.1) demonstrated the impact of economic sanctions on the process which had imposed changes in South Africa, but the last sentence of paragraph 76 should be amended, since a foreign investor did not have to pass through South Africa to do business with sub-Saharan Africa. Consideration must, however, be given to the post-apartheid period in respect of regional economic integration, when South Africa's industrial potential could be one of the development poles of Africa. The International Labour Organisation had already begun to take action along those lines.

34. Note should also be taken of the role played by the Organization of African Unity in sensitizing United States decision-makers to the question of sanctions, which had led Congress to adopt the anti-apartheid act in 1986 in spite of the position taken by the Executive. The appointment of a black United States Ambassador to South Africa had also had considerable impact on the way of thinking of white circles in southern Africa.

35. The Secretary-General's report to the Sub-Commission on measures to combat racism and racial discrimination (E/CN.4/Sub.2/1992/11) drew attention to the new pseudo-scientific theories underpinning racism as well as to the signs of a resurgence of racism and of prejudices against minorities or vulnerable groups. In that regard, the document might possibly be reproached for confining itself to the situation in Europe, North America and Australia and not considering the situation in the countries of the South. In any event, it was comforting to note that recent mass demonstrations in many

European cities had shown that there was a civil society which would no longer permit the imposition upon it by a handful of fanatics and xenophobes of a policy of intolerance and political violence. His delegation thus agreed with the delegation of Canada that the Sub-Commission's proposal concerning the appointment of a special rapporteur on racial discrimination and its new manifestations should be carefully considered.

36. However, manifestations of racism dated back a long way in history to the slave trade which had lasted for more than three centuries and, as President Senghor had stated, constituted the most terrible holocaust known to mankind. His Holiness the Pope had recently pointed out that slavery continued to haunt the conscience because it was a crime of human being against human being and of human being against God.

37. His delegation fully associated itself therefore with the General Assembly's decision to grant absolute priority to the fight against all forms of racism and racial discrimination and to devote a third decade to those activities. It also welcomed the recent establishment in Paris of the Universal Academy of Culture to examine the future development of mankind in diversity and the shared values of civilization in an irreversibly pluralist world.

38. The international community needed to make full use of the information media, scientific communities, artistic circles, religious communities, trade unions, political parties and non-governmental organizations to make the people fully aware of the evils of racism and racial discrimination. States which had not yet done so should be requested to adopt, ratify, and implement the international instruments prohibiting racism and racial discrimination.

39. In Senegal, during the OAU summit in June 1992, President Abdul Diouf had laid the foundation stone of the Goree-Almadie Slavery Memorial. His Government, with the assistance of the international community, intended to build at Goree a slavery museum and a research and documentation centre on the slave trade, human rights and the fight against racism and racial discrimination. In that way, to the extent of its modest means, Senegal intended to participate actively in the fight against racism and racial discrimination.

40. Mr. TCHEUL (Observer for the Democratic People's Republic of Korea) said that the final report of the Ad Hoc Working Group of Experts (E/CN.4/1993/14) showed that, despite the repeal of the main apartheid laws in South Africa, the situation of the overwhelming majority of the population had not changed at all and would not do so until the 1983 Constitution had been abolished. His delegation hoped that the negotiation, which had been halted as a result of a series of massacres, would resume as soon as possible.

41. The success of the talks would depend on the sincerity of both parties to the negotiations but also on the manner in which the international community created a climate conducive to negotiations. All members of the international community thus had a duty to prohibit any unproductive and premature behaviour that might delay the progress of democratization and the total abolition of the apartheid system in South Africa.

42. His delegation was concerned at the appearance of new forms of racism and racial discrimination in various parts of the world. Since all men were born equal in dignity and rights, racial segregation, wherever it existed, had to be condemned as a violation of human dignity. Differences in the colour of skin, cultural traditions, level of development or social systems should not have a negative influence on the enjoyment of human rights. It thus actively supported the recommendation by the Sub-Commission that a special rapporteur be appointed to examine the question of the contemporary forms of racism, racial discrimination and xenophobia. The special rapporteur should pay particular attention also to concealed forms of racial discrimination so that they could become the subject of thorough discussion.

43. Mr. AKTAN (Observer for Turkey) welcomed the Secretary-General's report on measures to combat racism and racial discrimination (E/CN.4/Sub.2/1992/11) and said he hoped that the Secretariat would be able to collect further data on racist incidents and to deepen its analysis of new forms of racism. The problem went far beyond racial discrimination and covered racial violence and harassment. The targets were vulnerable groups such as indigenous peoples, migrant workers and minorities. It would be counterproductive, however, to confuse the traditional forms of racism with ethnic, religious and linguistic discrimination, or with the vague concept of intolerance. It was no exaggeration to say that the way in which the Commission handled the problem would affect the future of international efforts in relation to human rights in general.

44. A non-governmental organization which had been studying the question of racism in Western Europe had estimated that at least 20,000 racist incidents occurred in the region every year. While the problem was not confined to Europe, the nature and frequency of such incidents there was not such that they could be attributed solely to an innate antipathy to outsiders. Turkish people abroad were frequently the victims of racist attacks, and his Government followed developments in the countries concerned with more than a purely humanitarian interest. It welcomed the efforts made by the authorities in those countries to combat racism and the many expressions of public sympathy with the anti-racist cause.

45. The approach adopted by the United Nations to the problem was based on international control and monitoring of the policies and practices of Governments, which were expected to mend their ways when subjected to international censure. That approach, however, had its limitations, since racial hostility was often expressed in the individual and in society at large in forms which Governments found difficult to control. There was an inverse relationship between racist violence and ethnic terrorism: the former was directed by a majority, or in the name of a majority, against a supposedly undesirable minority, whereas in the latter case ethnic terrorists attacked a majority in the name of a minority.

46. It was interesting to see from recent publications of Amnesty International on the subject of racism, that the organization had extended its coverage beyond the human rights of terrorist suspects to include the phenomenon of racism itself - a problem which should not be addressed solely in the context of the behaviour of the police, however, important a factor that might be in safeguarding human rights.

47. Mr. ZAHRAN (Observer for Egypt) said that his Government had been following developments in South Africa closely since President De Klerk had embarked on his policy of "openness" some three years previously. While welcoming that policy, which seemed to reflect a genuine determination to bring about reform, it recognized that the legislative infrastructure of apartheid remained intact, and that the increasing violence and the standstill in constitutional negotiations remained a matter of grave concern.

48. It welcomed such positive signs of progress as the implementation of the Memorandum of Understanding with the Office of the United Nations Commissioner on Human Rights (UNHCR) regarding the voluntary repatriation of refugees. His delegation had urged the South African Government to ensure the safety of all its citizens and to make every effort to bring about social stability, and had called for the deployment of international observers in South Africa.

49. The difficulties surrounding the renewal of negotiations and the release of political prisoners must be resolved as soon as possible, and the international community must bring every pressure to bear on the South African Government to pursue the policy of progressive democratization. His Government was, however, deeply concerned by the increasing violence and bloodshed in South Africa, the collapse of the constitutional negotiations and the South African Government's refusal to allow the Ad Hoc Group of Experts access to the country to carry out its mandate.

50. The international community must draw up a plan of action to ensure that apartheid was eliminated by the end of the century and the Centre for Human Rights should redouble its efforts to alleviate the plight of the many millions of South Africans who were still victims of racism and its attendant economic evils.

51. Mr. HJELDE (Observer for Norway), speaking on behalf of the five Nordic countries, namely, Denmark, Sweden, Finland, Iceland and his own country, said that racism in all its forms was a denial of basic democratic values and human rights. Ethnic cleansing in the former Yugoslavia and neo-Nazi violence against immigrants in several parts of Europe were based on the pernicious idea that some human beings were worth more than others because of their ethnic, national or racial origin. It was particularly disturbing that racism and racial violence in various forms were increasing rapidly in Europe, particularly at a time when the Convention on the Elimination of All Forms of Racial Discrimination had gained almost universal acceptance.

52. Since its adoption, that Convention had been the basic international legal instrument for combating racism. It was, a matter of great concern therefore that the Committee responsible for monitoring its implementation had had to limit its meetings owing to the financial shortfalls resulting from the non-payment of assessed contributions. The delegations of the Nordic countries thus strongly supported the amendments to the Convention adopted by the General Assembly in 1992 with the aim of funding the Committee from the United Nations regular budget. In the meantime, they urged all the States parties to meet their financial obligations and to make their overdue payments in full.

53. The Second Decade to Combat Racism and Racial Discrimination was about to come to its end but the abolition of racism had not yet been achieved. The launching of the third decade should thus provide an opportunity to pursue those endeavours more vigorously. The programme for the new decade should take account of the changing nature of racial problems in the 1990s and of all the factors responsible for racial discrimination, whether political, social, historical, cultural or economic. Attention should also be paid to discrimination against indigenous peoples.

54. States should look closely at ways and means of improving the implementation of their obligations under the Convention. The importance of preventive action and of an atmosphere of tolerance and understanding could not be over-emphasized. However, the complexity of the problem underlined the need for intergovernmental cooperation, and the delegations of the Nordic countries therefore supported the establishment of a post of special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and intolerance in any part of the world. They also believed that a plan of action to support constructive initiatives aimed at combating racism would provide a much-needed focus for cooperative efforts to counter such intolerance.

55. The delegations of the Nordic countries strongly condemned the repugnant practice of ethnic cleansing in the former Yugoslavia, and supported all the efforts undertaken within the Security Council, the Commission on Human Rights and other United Nations bodies to put an end to such practices and to investigate and prosecute those responsible for grave breaches of international humanitarian law.

56. Mr. PALACIOS SERRANO (Observer for Spain) said that the Convention on the Elimination of All Forms of Racial Discrimination had become more relevant than ever before, in view of the proliferation of racist practices in many parts of the world. Such practices were to be deplored, as was their impact on international peace and security. It was particularly disquieting that situations involving intolerance, racism, xenophobia, racial discrimination and violence should be occurring in the more developed societies.

57. At the same time, a sharp distinction should be made between an institutionalized policy of racism, whether in the form of apartheid or the ethnic cleansing being practised in Bosnia and Herzegovina, and the acts of individuals or small groups that were repudiated by the communities to which they belonged and that were punished by the authorities.

58. Spanish society had reacted vigorously to such acts, as could be seen from the recent campaign launched by a group of Spanish non-governmental organizations and from the proposal to amend the forthcoming draft penal code to include a provision prohibiting any racist act or practice and the dissemination of propaganda intended to foster discrimination or inter-racial hatred.

59. It was not sufficient simply to show concern, it was also necessary to ensure that the educational system and national institutions in each country were directed towards inculcating the idea of tolerance, particularly among young people. Consequently, his delegation supported the proposal that a

special rapporteur should be appointed to review current forms of non-institutionalized racism and xenophobia throughout the world and to report to the Commission at its next session.

60. Mr. BENHIMA (Observer for Morocco) said that the human rights situation in South Africa continued to cause serious concern, owing to the delay in finally dismantling the apartheid system and to the continuing, and indeed increasing, violence which had resulted from the breakdown in the negotiations for constitutional reform. It was comforting to note, however, that the South African authorities were redoubling their efforts to ameliorate the situation, particularly by releasing a large number of political prisoners, by removing the ban on certain organizations and by lifting the state of emergency. The intense activity in the South African Parliament to repeal apartheid legislation was also to be welcomed. Substantial though that progress might be, however, not all the apartheid laws had yet been repealed nor had racial discrimination in all its forms been eliminated from all aspects of public life.

61. The efforts being made to bring about the total eradication of apartheid were an encouraging sign of the goodwill of the South African Government but, as the report of the Ad Hoc Group of Experts (E/CN.4/1992/8) made clear, violence and repression continued, jeopardizing the democratic process that was under way. Since August 1990, more than 7,000 people had been killed in inter-ethnic confrontations, and there was considerable evidence of wrongdoing by the police and death squads against innocent members of the civilian population. The complicity of members of the security forces had been established, and the measures taken by the Pretoria Government, including the removal of a number of senior officers, were to be commended.

62. His delegation, which had welcomed the agreement in principle by all the parties to join the reconciliation process, hoped that the resumption of constitutional negotiations in March 1993 would be crowned with success. The Conference should focus on the democratic transformation of South Africa, beginning with the drafting of a new constitution based on equality for all, respect for the rights and freedoms of all South Africans and the principle of "one citizen-one vote".

63. His delegation had taken note of the updated report of Mr. Khalifa, the Special Rapporteur, (E/CN.4/Sub.2/1992/12) and welcomed its conclusions. It was to be hoped that the measures adopted by the international community to achieve a rapid and definitive dismantling of apartheid would bear fruit.

64. Mr. WEGE-NZOMWITA (Observer, Organization of African Unity (OAU)) said that, in a renewed effort to distract world public opinion from the plight of the black majority in South Africa, President De Klerk had recently announced that multilateral negotiations would resume in March 1993, but no concrete measures had been adopted to remove the numerous obstacles to the talks. Although a number of superficial reforms had been introduced in response to the constant pressure of the liberation struggle and international public opinion, the fundamental question of human dignity and the sharing of power between the black majority and the white minority remained open. Apartheid and racial discrimination still continued in South Africa. Nearly 10,000 persons had lost their lives in confrontations orchestrated by the

South African secret service. Parliament and a Government made up exclusively of whites continued to rule. The constituent assembly and the interim Government demanded by the black majority had yet to be established.

65. It was not too late for the international community to urge with greater insistence that the negotiations be resumed according to a clearly established timetable, so as to ensure that the South African democratic process did not degenerate into chaos, with incalculable consequences for the population and for security in the region. The international community should thus continue its support for and assistance to the liberation movements and all democratic forces working for a united, democratic and non-racial South Africa.

66. The resurgence of xenophobia and racism in Europe also gave cause for concern. Organized groups were attacking and setting fire to centres for asylum seekers and hostels for foreign workers. On several occasions, the police had been criticized for its passive reaction to those crimes. That situation constituted a breeding ground for certain political formations of the extreme right which, fortunately, were still of marginal significance. It was encouraging that there had been a ground swell of protest against racism and xenophobia which had succeeded in mobilizing hundreds of thousands of persons in many European cities. Such vigilance by the majority would, he was sure, prevent any repetition of recent European history but the small groups that spread terror through their cowardly acts, denying the humanity of refugees and migrant workers, must be punished more severely.

67. Mr. TARZI (Observer, Organization of the Islamic Conference) said that the human conscience was outraged by the abhorrent policies of racism and racial discrimination in all their forms and manifestations, and particularly the institutionalized racism of the minority regime in South Africa. The past two years had brought high expectations that the South African situation was finally changing for the better, but recent events, especially the violence in the townships and the impasse in the constitutional negotiations, had dampened hopes.

68. Despite the repeal of certain basic apartheid laws, it had become increasingly evident that white supremacists were bent on impeding the democratic process and reversing the course of reforms. The escalation of violence in the townships was directly attributable to the South African regime, which had spent millions of rands to foment riots and intra-black rivalry so as to obstruct the peaceful transition to a new non-racial democratic society. The South African security forces were clearly involved in those acts of violence.

69. His Organization supported Security Council resolutions 765 (1992) and 772 (1992) on the dispatch of a United Nations observer mission (UNOMSA) to South Africa to assist in putting an effective end to the violence and to create conditions for the resumption of multilateral negotiations. It was concerned, however, at the continued cooperation between South Africa and Israel in all fields, particularly the development of nuclear weapons, which would lead to an escalation of tensions in both South Africa and the Middle East.

70. The international community must maintain the measures it had imposed against the apartheid regime. Trade and investment restrictions should be continued until the establishment in South Africa of clear and undisputed transitional arrangements that inspired international confidence. Financial sanctions must remain in effect until a transitional authority requested their removal. The oil embargo and arms restrictions imposed by the Security Council should be lifted only at the final stage of the transition process, once a new constitution had been adopted and a democratically elected Government installed.

71. Ms. FAUCHERE (World Confederation of Labour) said that, despite the abolition of the four pillars of apartheid, South Africa had still not become a democracy. The Constitution had not been amended, and blacks still did not enjoy basic political rights; the principle of "one person-one vote" was still not recognized. Her organization thus intended to maintain its pressure until the Constitution had been amended and apartheid completely dismantled.

72. Social security payments to white workers were still 13 times as high as those to black workers for the same occupational illnesses; blacks were still not admitted to State clinics, and their health-care indemnities were set by doctors who had not examined them; more than 23 million blacks had no electricity, and millions had a minimal water supply. The inequalities between whites and blacks had, in fact, grown in 1992. In a report published in December 1992, it had been found that the average monthly income of a white household was seven times as great as that of a black one. Expenditure for black pupils was one quarter of that for whites, with direct consequences for the employment prospects of the blacks, 50 per cent of whose active population was currently unemployed.

73. In recent years, her organization had repeatedly denounced the involvement of the forces of order in the assassination of dozens of black leaders. The Goldstone Commission had confirmed that the police and the army were directly implicated in the unfolding violence in the townships. Arbitrary arrests, imprisonments and killings were commonplace. Several hundred persons were murdered every month for political reasons. Attacks against workers in trains linking white cities to the townships had multiplied and a severe crack-down on trade-union activity was under way.

74. As long as a free and independent trade union movement could not function without being the constant target of threats, harassment and repression and as long as the black population could not participate actively in the life of the country, there would be no democracy in South Africa.

75. Her organization thus supported the demands of the South African trade union movement, in particular the Congress of South African Trade Unions (COSATU), which called for the formation of an interim Government and the democratic election of a constituent assembly; radical Government measures to put an end to the violence; an end to unilateral economic reconstruction; the allocation of resources to meet the needs of the population; the elimination of corruption in the administration; and the suppression of the State-supported death squads.

76. Mr. Flinterman (Netherlands) took the Chair.

77. Mr. LITTMAN (International Fellowship of Reconciliation (IFOR)) said his organization, which welcomed the continued effort being made to mobilize public opinion against the evils of racism and racial prejudice, wished to alert the Commission to the resurgence of anti-Semitism. A longstanding taboo in the United Nations, initiated in the early 1950s, had resulted in the systematic omission of anti-Semitism from the list of current forms of racism, discrimination, intolerance and xenophobia. That taboo had finally been lifted by the Secretary-General himself in his report (E/CN.4/Sub.2/1992/11) to the Sub-Commission subsequent to the cancellation by the General Assembly of its shameful resolution 3379 (XXX).

78. The "blood libel", an anti-Semitic myth widespread in Europe during the Middle Ages, according to which Jews abducted and slaughtered non-Jews in order to extract the victims' blood and use it in the Passover meal for ritual purposes, still survived and was still believed in parts of the Middle East and elsewhere. It had even been referred to in the Commission on more than one occasion. For example, the blood libel accusation associated with the so-called 1840 "Damascus Affair" had been cited by a representative of the Syrian Arab Republic at the Commission's session in 1990. More recently, in coded language, it had appeared in the first paragraph of the letter addressed on 7 October 1992 to the Under-Secretary-General for Human Rights, by the Permanent Observer for Palestine to the United Nations Office at Geneva and published as a document of the Commission (E/CN.4/1993/70).

79. The Commission had thus the opportunity to demonstrate that it would not tolerate any accusations of, or any allusion to, the blood libel myth, which was in total contradiction to everything for which it stood. That could be done either by the Commission expressing its concern by consensus or through a declaration from the Chair before the vote on the resolution on the implementation of the programme of action for the third decade to combat racism and racial discrimination.

80. Another persistent racist myth was the belief in a Jewish-led conspiracy to control the world, a plot which had been seen at work in every revolution, in every war, in the workings of all international organizations and in the efforts of most transnational associations. The most widespread of those "conspiracy theories of history" was contained in the document known as "The Protocols of the Learned Elders of Zion", which had inspired Hitler's radical anti-Semitism, and helped pave the way to the Second World War and its horrors.

81. Although it had been known since 1921 that "the Protocols" was a crude forgery by the Tsarist political police, they were still widely disseminated throughout the Arab-Islamic world and had been used to "prove" that the Jews were responsible for all the evils that had occurred in the world for centuries, including the foundation of the United Nations. Since 1979, the Islamic Republic of Iran had regularly serialized "the Protocols" in several languages. A large-circulation Algerian weekly, Le Jeune Indépendant, had also serialized them in November 1991.

82. Anti-semitism was a focal point for anti-Western xenophobia, with Zionism being denounced as a Jewish project for world domination and the State of Israel as the incarnation of "world Jewish power". It should be noted, in that connection, that schoolbooks in Saudi Arabia still portrayed the Jews as the "enemies of humanity" and repeated ad nauseam that Israel sought to destroy Islam.

83. It was time to take action at international level to eliminate anti-Semitism, which showed no sign of withering away, particularly in the Arab-Islamic world.

The summary record of the second part of the meeting appears as document E/CN.4/1993/SR.17/Add.1